

Message Text

CONFIDENTIAL

PAGE 01 TOKYO 02821 010939Z

ACTION DLOS-06

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 FEA-01 ACDA-07
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01 TRSE-00
H-01 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06
SAL-01 /128 W

-----011046 088409 /10

R 010858Z MAR 77

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 5786

INFO AMEMBASSY JAKARTA

AMEMBASSY KUALA LUMPUR

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY SINGAPORE

USMISSION GENEVA

CINCPAC HONOLULU HAWAII

C O N F I D E N T I A L TOKYO 2821

GENEVA FOR LOSDEL

CINCPAC ALSO FOR POLAD

E. O. 11652: GDS

TAGS: PLOS, EEWT, JA

SUBJ: MALACCA STRAITS TRANSIT RESTRICTIONS

REF: TOKYO 0851

SUMMARY: IN CONVERSATIONS WITH VISIT GOJ TEAM, MALAYSIANS SEEMED
STILL INTENT ON PUSHING THEIR AMENDMENTS TO LOS STRAITS ARTICLES.
JAPANESE, PARALLELING UK, URGED IMCO SUBMISSION. JAPANESE HAVE CON-
CLUDED THAT TRI-STATE AGREEMENT TO ENFORCE RESTRICTIONS ON MALACCA
STRAITS TRANSIT IS UNASSAILABLE, BUT HOPE IN TALKS ON IMPLEMEN-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 TOKYO 02821 010939Z

TATION TO WIN ASSENT TO ARRANGEMENTS WHICH WOULD MINIMIZE EXTRA
COSTS TO USERS. END SUMMARY.

1. JAPANESE (FONOFF LOS OFFDIR KUME) BELIEVE MALAYSIANS STILL IN-
TENT ON PUSHING AMENDMENTS TO STRAITS ARTICLES AT LOSC. WHEN TRAN-
SPORT MINISTRY ELDER STATESMAN HISAMI TERAJ AND FONOFF ASIA BUREAU
DEPDIRGEN SUMIO EDAMURA VISITED KUALA LUMPUR IN MID-FEBRUARY TO

DISCUSS IMPLEMENTATION OF TRI-STATE AGREEMENT ON MALACCA STRAITS TRANSIT RESTRICTIONS, GOM OFFICIALS ASKED JAPANESE VIEWS ON THEIR AMENDMENTS. MALAYSIANS INDICATED THEY WOULD SEND TEAM TO MOSCOW IN APRIL TO DISCUSS MATTER WITH SOVIETS, WHO WITH FRENCH THEY REGARDED AS FAVORABLY DISPOSED.

2. KUME SAID THAT JAPANESE TEAM IN REPLY PARALLELED UK AMBASSADOR LOGANHKN URGING MALAYSIANS INSTEAD SEEK IMCO APPROVAL, STRESSING THAT IT COULD BE OBTAINED AT SEPTEMBER MEETING WHEREAS LOS TREATY ROUTE COULD REQUIRE SEVERAL YEARS' EFFORT. JAPANESE TOOK SPECIAL EXCEPTION TO MALAYSIAN DRAFT ARTICLE 40(A), WHICH MAKES EXPLICIT STRAITS STATE RIGHT TO IMPOSE UNDER-KEEL-CLEARANCE. THEY SUPPORTED INSTEAD LOGAN'S SUGGESTION THAT THROUGH STATEMENTS IN LOSC PROCEEDINGS AND/OR IN STATEMENTS UPON RATIFICATION OF TREATY, IT BE MADE CLEAR THAT STRAITS ARTICLES OF LOS TREATY IMPLY RIGHT TO SET UKC.

3. NEITHER INDONESIANS OR SINGAPOREANS SHOWED INTEREST IN MALAYSIAN AMENDMENTS; JAPANESE DID NOT RAISE SUBJECT WITH THEM.

4. KUME SAID THAT JAPANESE TOLD STRAITS STATE INTERLOCUTORS THAT GOJ COULD ACCEPT 3.5 METER UKC ON TWO CONDITIONS: (A) THAT THERE BE A TRANSITIONAL PERIOD OF AT LEAST FIVE YEARS; AND (B) THE TRANSIT SEPARATION SCHEME (TSS) MUST BE "REASONABLE." FIRST JAPANESE CONDITION IS RETREAT FROM EARLIER PROPOSALS (VARIOUSLY REPORTED) FOR EIGHT OR TEN-YEAR PHASE-IN PERIOD. KUME SAID THAT GOJ NOW ASSUMING THAT "IT WOULD TAKE A COUPLE OF YEARS TO WORK OUT DETAILS." KEY TO GOJ SATISFACTION ON SECOND CONDITION IS REDRAWING OF LANES PROPOSED IN BATUBEHANTI (PHONETIC) SECTION OF SINGAPORE STRAIT. GOS, WE UNDERSTAND, WISHES WESTBOUND LANE IN AREA WHERE MINIMUM

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 TOKYO 02821 010939Z

DEPTH IS 21.5 METERS; GOJ HAS ARGUED THAT ADDITIONAL TWO METERS' CLEARANCE COULD BE GAINED IF SINGAPORE WILLING TO REDUCE WIDTH EITHER OF INSHORE ZONE (RESERVED TO COASTAL SHIPPING) OR OF WESTBOUND LANE.

5. (CLOSE HOLD REQUESTED) PRESSED, KUME ADMITTED THAT IF NEITHER CONDITION IS SATISFIED, GOJ COULD LIVE WITH 3.5 METER UKC. HE SAID THAT LARGEST JAPANESE TANKERS USING MALACCA STRAITS ARE 270,000 TON DWT; THESE CAN SATISFY 3.5 UKC REQUIREMENT AS PRESENTLY CONTEMPLATED PROVIDED THEY PASS SINGAPORE ON THE HIGH TIDE. PRESENT JAPANESE ARGUMENTS THEREFORE ARE AIMED AT ENCOURAGING PRACTICAL, LESS-EXPENSIVE IMPLEMENTING ARRANGEMENTS IN SPIRIT OF TRI-STATE AGREEMENT.

6. SLIM JAPANESE EDITORIAL COMMENT ON MALACCA STRAITS ACCORD HAS BEEN POSITIVE. MAINICHI POINTED OUT THAT ALTHOUGH SATISFACTION OF NAVIGATION REQUIREMENTS WILL BE COSTLY TO FLHXAN, JAPAN COULD NOT QUARREL WITH ANTI-POLLUTION OBJECTIVE OF AGREEMENT; JAPAN'S "POSITIVE COOPERATION" WAS FURTHER IMPORTANT TO PROMOTION OF FRIENDLY

TIES WITH ASEAN STATES.
SHOESMITH

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, INNOCENT PASSAGE, AGREEMENTS, STRAITS
Control Number: n/a
Copy: SINGLE
Sent Date: 01-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977TOKYO02821
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770069-1235
Format: TEL
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197703103/aaaadnlx.tel
Line Count: 118
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c65988ac-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 TOKYO 851
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 14-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2946334
Secure: OPEN
Status: NATIVE
Subject: MALACCA STRAITS TRANSIT RESTRICTIONS
TAGS: PLOS, EEWT, JA
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/c65988ac-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009